

**Before the  
Federal Communications Commission**

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In the Matter of )  
 )  
Advanced Television Systems )  
and )  
Their Impact Upon the Existing )  
Television Broadcast Service )

MM Docket No. 87-268

To: The Commission

**RECEIVED**  
APR 20 1998  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

**PETITION FOR RECONSIDERATION**

Green Bay 44, L.L.C. ("GBLLC"), by its counsel, hereby seeks reconsideration of the Commission's *Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order*, FCC 98-24 (released February 44, 1998) ("MO&O"), in the above-captioned proceeding. In support of this petition, the following is stated:

**I. Background.**

On September 20, 1996, GBLLC filed an application for a new television station to operate on Channel 44 at Green Bay, Wisconsin. GBLLC's application included a request for waiver of the Commission's order in *Advanced Television Systems and Their Impact on the Existing Television Broadcast Service*, RM-5811, 1987 FCC LEXIS 3477 (July 17, 1987), 52 Fed.Reg. 28346 (1987) ("Freeze Order").

In its *Sixth Report and Order* in this proceeding, 12 FCC Rcd 14588 (1997), the Commission noted that, in its *Sixth Further Notice of Proposed Rulemaking*, it stated that it would not accept additional applications for new NTSC stations that were filed after September 20, 1996.<sup>1</sup> The

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<sup>1</sup> See *Sixth Further Notice of Proposed Rulemaking*, 11 FCC Rcd 10968, 10992 ¶60

Commission also noted, however, that it would continue to process applications already on file and those that were filed on or before September 20, 1996, because the Commission did not believe that these applications would have a "significant negative impact" on the development of the DTV Table of Allotments. *Sixth Report and Order*, 12 FCC Rcd at 14635, ¶104. In addition, the Commission stated that when applications for new stations were accepted for filing, it would continue its practice of issuing cut-off lists announcing the opportunity to file competing, mutually-exclusive applications.<sup>2</sup>

**II. The MO&O Failed to Protect GBLLC's Pending NTSC Application for Channel 44 at Green Bay.**

**III.**

In its recent MO&O, the Commission repeatedly confirmed that it fully intended to protect pending NTSC applications filed by the September 20, 1996, deadline. See, e.g., MO&O at ¶¶571, 575, 608, 627. Nevertheless, the DTV Table set forth in the MO&O fails to protect GBLLC's pending NTSC application for the Channel 44 facility at Green Bay because it is short-spaced to a co-channel DTV allotment at Fond du Lac, Wisconsin. As stated above, GBLLC's application for the NTSC Channel 44 facility at Green Bay was on file as of the September 20, 1996, filing deadline.

The Commission's failure to protect GBLLC's pending NTSC application is inconsistent with the statements the Commission made in its Sixth Further Notice and Sixth Report and Order, and the Commission neglected to provide any explanation for its failure to consider GBLLC's pending application in establishing the DTV Table. Therefore, for this reason alone, the DTV Table contained

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(1996) ("*Sixth Further Notice*"). Specifically, the Commission stated that it would not accept additional applications for NTSC stations that were filed after 30 days from the publication of the *Sixth Further Notice* in the Federal Register. A summary of the *Sixth Further Notice* was published in the Federal Register on August 21, 1996. See 61 Fed.Reg. 43209 (1996).

<sup>2</sup> *Report and Order*, ¶104; *Sixth Further Notice*, ¶60.

in the MO&O should be revised to accommodate the existing NTSC allotment of Channel 44 at Green Bay, Wisconsin, and GBLLC's pending application for that facility.

**III. The Commission Should Substitute DTV Channel 31 for the DTV Channel 44 Allotment at Fond du Lac, Wisconsin, or, Alternatively, GBLLC Should be Permitted to Amend Its Pending NTSC Application to Specify an Available Alternative Channel.**

As stated above, the NTSC allotment of Channel 44 at Green Bay, Wisconsin is short-spaced to a co-channel DTV allotment for Station WMMF-TV, Fond du Lac, Wisconsin. Assuming, *arguendo*, the Commission should determine that its failure to consider GBLLC's pending NTSC application for the Channel 44 facility at Green Bay does not constitute a sufficient basis, in itself, for granting reconsideration of the allotment of DTV Channel 44 to Fond du Lac, the Commission has stated throughout this proceeding that it intends to give broadcasters the flexibility to develop alternative allotment plans where they do not result in additional interference to other stations and/or allotments. In order to accommodate GBLLC's pending application for the NTSC Channel 44 facility at Green Bay, GBLLC respectfully requests that the Commission change the DTV allotment for Station WMMF-TV, Fond du Lac, from Channel 44 to Channel 31. As demonstrated in the attached engineering materials, the substitution of DTV Channel 31 for Channel 44 at Fond du Lac would result in Station WMMF-TV receiving a comparably replication match, and would cause only negligible interference to any digital station (less than 0.6%) and less than 2.5% to any NTSC facility.

Alternatively, in the event the Commission elects not to substitute DTV Channel 31 for Channel 44 at Fond du Lac, GBLLC requests that it be permitted to amend its pending NTSC

application to specify operation on Channel 50.<sup>3</sup> As shown in the attached engineering materials, operation on Channel 50 at Green Bay will cause only negligible interference (0.04% loss) to any digital or NTSC station.

The proposed substitution of DTV Channel 31 for Channel 44 at Fond du Lac, or, alternatively, permitting GBLLC to amend its pending NTSC application to specify operation on Channel 50, would effectuate the Commission's pronouncements in its *Sixth Further Notice* and *Sixth Report and Order* that it would protect those pending NTSC applications that were on file as of September 20, 1996.

#### **IV. The Proposals Set Forth Herein Would Provide Substantial Public Interest Benefits.**

The proposed substitution of DTV Channel 31 for Channel 44 at Fond du Lac, or permitting GBLLC to amend its NTSC application to specify operation on Channel 50, would serve the public interest by promoting the emergence and development of new networks.<sup>4</sup> As far back as 1941, when

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<sup>3</sup> Channel 50 currently is a vacant noncommercial allotment at Oshkosh, Wisconsin, which is approximately 53 miles southwest of Green Bay.

<sup>4</sup> GBLLC's application for the Green Bay facility was filed in tandem with a series of other applications which, together, cover many of the top 100 markets in which there are no full power television stations to primarily affiliate with The WB Television Network ("The WB"), with whom these respective applicants have existing affiliations. Although there is no commitment on the part of either the applicants or The WB to enter into an affiliation agreement, The WB has indicated a willingness to enter into an affiliation agreement with these applicants in the event they are successful in acquiring a station in their respective communities. It should be made clear, however, that the public interest benefit of promoting an emerging network will be achieved regardless of which applicant ultimately acquires the construction permit. The important element is that the NTSC allotment be preserved and that the station become operational and available for affiliation. By the same token, the public interest benefit of promoting emerging networks is served regardless of whether it is The WB or some other new network that gains a primary affiliate in a top 100 market.

the Commission adopted its Chain Broadcasting Rules,<sup>5</sup> a primary goal of the Commission was to remove barriers that would inhibit the development of new networks. The Commission explained that the Chain Broadcasting Rules were intended to "foster and strengthen broadcasting by opening up the field to competition. An open door to networks will stimulate the old and encourage the new." *Report on Chain Broadcasting* at 88.

The successful emergence of new networks, however, depends in large part upon their ability to attract and retain local affiliates, which is the life blood of any national network. Moreover, for emerging networks, it is critical that they be afforded the opportunity to compete for affiliates as quickly as possible. Indeed, the large financial losses that confront any national network in its initial years of operation can be stemmed only by obtaining additional affiliates to carry the emerging network's programming. In many markets, however, there simply are not enough stations to provide affiliates for emerging networks in addition to those of the more established networks. Thus, the Commission should make the requested change in the DTV Table which, by permitting an additional

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<sup>5</sup> See *Report on Chain Broadcasting*, Commission Order No. 37, Docket 5060 (May 1941) at 88 ("Report on Chain Broadcasting"); *Amendment of Part 73 of the Commission's Rules and Regulations with Respect to Competition and Responsibility in Network Television Broadcasting*, 25 FCC 2d 318, 333 (1970); *Fox Broadcasting Co. Request for Temporary Waiver of Certain Provisions of 47 C.F.R. §73.658*, 5 FCC Rcd 3211, 3211 n.9 (1990), (citing, Network Inquiry Special Staff, *New Television Networks: Entry, Jurisdiction, Ownership, and Regulation* (Vol. 1 Oct. 1980)), waiver extended, 6 FCC Rcd 2622 (1991).

broadcast station to serve the Green Bay-Appleton television market, will help promote emerging networks.

Although the Commission has noted that it is not its function to assure competitive equality in any given market, it has acknowledged its "duty at least to take such actions as will create greater opportunities for more effective competition among the networks in major markets."<sup>6</sup> The history of the Commission's financial interest and syndication ("finsyn") rules provides a good illustration of how the Commission has remained steadfast in its commitment to the goal of nurturing new networks. In 1970, when the Commission first adopted the finsyn rule, it noted that "[e]ncouragement of the development of additional networks to supplement or compete with existing networks is a desirable object and has long been the policy of this Commission." *Competition and Responsibility in Network Television Broadcasting*, 25 FCC 2d at 333. More than two decades later, when the Commission first relaxed and later eliminated the finsyn rule, it did so at the behest of the then-newest network entrant, Fox.<sup>7</sup> The FCC's goal of fostering new networks also is reflected in

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<sup>6</sup> See, e.g., *Television Broadcasters, Inc.*, 4 RR 2d 119, 144 (1965) (Commission granted a short-spacing waiver to an ABC affiliate based largely upon its finding that the station had inferior facilities compared to those available to other national networks in the market, which resulted in a "serious competitive imbalance"), *recon. granted in part on other grounds*, 5 RR 2d 155 (1965); *New Orleans Television Corp.*, 44 RR 1113 (1962) (short-spacing waiver granted for the purpose of assuring the existence of a third truly competitive station in the market, thereby making available competitive facilities to the networks).

<sup>7</sup> Pending its review of the finsyn rule, the Commission granted Fox's request for a limited waiver of the rule. *Fox Broadcasting Co.*, 5 FCC Rcd at 3211 (1990). As Commissioner Duggan explained, "Fox has been a bright and innovative force. The existence of a fourth network is certainly in the public interest. . . . Fox deserves to be encouraged." *Broadcasting & Cable*, May 7, 1990, ed., p. 28; *accord*, *Application of Fox Television Stations, Inc. for Renewal of License of Station WNYW-TV, New York, New York*, 10 FCC Rcd 8502, 8528-29 (1995) (Commissioner Quello stating in his concurring statement, "I believe . . . that the creation of the

the Commission's relaxation of its multiple ownership rules. *See Amendment of Section 73.3555 of the Commission's Rules Relating to Multiple Ownership of AM, FM, and Television Broadcast Stations*, 100 FCC 2d 17, 50 (1984) (relaxing restrictions on multiple ownership advances the Commission's diversity goal by providing alternatives to the three television networks).

The Commission also has crafted other rules and granted a variety of waivers designed to foster the development of new networks over the years. In 1967, for example, the Commission granted a waiver of the dual network rule to ABC, the then-new network entrant, in connection with ABC's four new specialized radio networks. Although operation of the four networks violated the dual network rule, the Commission nevertheless concluded that waiver of the rule was appropriate because ABC's proposal "merits encouragement as a new and imaginative approach to networking." *Proposal of American Broadcasting Cos., Inc. to Establish Four New Specialized "American Radio Networks,"* 11 FCC 2d 163, 168 (1967). The Commission explained that it was "of more than usual importance to encourage to the extent possible innovation and experimentation in the operation of networks." *Id.* at 165.

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fourth network was a compelling public interest goal."). Similarly, in deciding to phase out the finsyn rule entirely in 1995, the Commission evaluated the rule's impact on "[t]he overall business practices of emerging networks, such as Fox, in the network television and syndication business . . . [and t]he growth of additional networks, including the development of Fox and its position vis-à-vis the three major networks." *Evaluation of Syndication and Financial Interest Rules*, 10 FCC Rcd 12165, 12166 (1995).

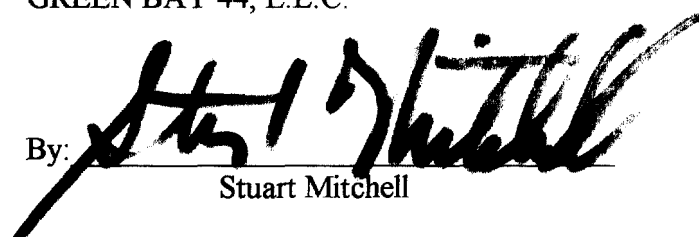
As these examples illustrate, the Commission has remained steadfast in its commitment to the goal of encouraging new networks. Indeed, the Commission has consistently concluded for more than fifty years that the development of new networks -- with the accompanying diversity of viewpoint that they bring -- serves the public interest. In order for emerging networks to survive, however, it is imperative that they be afforded the opportunity to compete for additional local affiliates. The requested change in the DTV Table of Allotments will help facilitate the Commission's longstanding interest in promoting the emergence of new networks by providing an additional broadcast station with which to affiliate in the Green Bay-Appleton market.

WHEREFORE, in light of the foregoing, Green Bay 44, L.L.C., respectfully requests that the Commission GRANT reconsideration of its *MO&O* by substituting DTV Channel 31 for Channel 44 at Fond du Lac, Wisconsin, or, alternatively, permit Green Bay 44, L.L.C. to amend its pending NTSC application to specify operation on Channel 50 at Green Bay.

Respectfully submitted,

GREEN BAY 44, L.L.C.

By:

A handwritten signature in black ink, appearing to read "Stuart Mitchell", is written over a horizontal line.

Stuart Mitchell

Its Counsel

4405 Longworthe Square  
Alexandria, VA 22309-1225  
(703) 799-4757

April 20, 1998

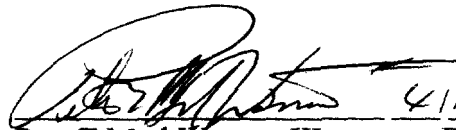


**Engineering Statement**  
**Green Bay, WI Channel 44**  
**Wes, Inc. Broadcast Consultants**

The program used to demonstrate interference and service replication percentages in this study was the OET FLR program, OET Bulletin 69, running on our own Sun Microsystems computers. These computers have been verified to give identical results to the runs generated by OET. The spacing programs are our own proprietary programs utilizing the FCC broadcast database and DTV database.

Due to a digital channel Channel 44 being assigned to Fond Du Lac, WI 146.48km away, a study was conducted to propose moving the digital channel 44 to channel 31. The study showed that it would receive a comparable match and would cause negligible interference to any digital stations (less than 0.6%) and less than 2.5% to any NTSC stations.

Should the Commission prefer moving the proposed NTSC channel 44 in Green Bay, WI, the TV channel spacing study shows channel 50 open to such a change. The OET FLR studies show negligible (0.04% loss) to any NTSC or DTV stations. Also, the attached list of digital channels within 300 km shows no conflict on channel 50 with any digital channels.

  
Pete E Myrl Warren, III      4/17/98  
Date  
Whose qualifications are a matter of  
record with the Commission

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## TV CHANNEL SPACING STUDY

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Job title: Fon Du Lac-e-Lac

Latitude: 43 21 44

Channel: 31 **D**

Longitude: 88 53 45

Database file name: c:\tvsrc\tv980408.edx

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
24+	WCGVTV	3939	MILWAUKEE	WI	1	L	110.5	86.2	95.7	-9.5
24+	WCGVTV	3940	MILWAUKEE	WI	1	A	110.5	86.2	95.7	-9.5
30o	WVCYTV	3942	MILWAUKEE	WI	1	L	110.5	86.2	87.7	-1.5
16+	ALLOTM	3953	MANITOWOC	WI	2		39.6	153.8	119.9	33.9
32+	WACY	3957	APPLETON	WI	2	L	33.1	132.9	87.7	45.2
32+	WACY	3958	APPLETON	WI	2	C	33.2	132.9	87.7	45.2
32+	WACY	3959	APPLETON	WI	2	A	33.2	132.9	87.7	45.2
28o	NEW	4122	SHEBOYGAN	WI	1	A	75.5	55.6	31.4	24.2
38o	WPNE	4134	GREEN BAY	WI	2	L	31.3	136.8	95.7	41.1
17+	WTVO	4316	ROCKFORD	IL	1	L	190.7	121.5	95.7	25.8
17+	WTVO	4317	ROCKFORD	IL	1	C	190.7	121.5	95.7	25.8
26-	WKOW-D	4333	MADISON	WI	1	C	236.9	62.1	31.4	30.7
27+	WKOWTV	4334	MADISON	WI	1	L	234.1	58.5	31.4	27.1
27+	WKOWTV	4335	MADISON	WI	1	C	236.9	62.1	31.4	30.7
27+	NEW	4336	MADISON	WI	1	A	236.9	62.1	31.4	30.7
45o	NEW	4338	RICHLAND CENTER	WI	1	A	272.9	79.2	95.7	-16.5
46+	ALLOTM	4583	KIELER	WI	2		238.6	163.8	119.9	43.9
45+	ALLOTM	4592	RICHLAND CENTER	WI	2		269.4	121.2	95.7	25.5
31o	WHLATV	4753	LA CROSSE	WI	2	L	284.7	205.7	248.6	-42.9

OK

OK

FLR

\*\*\*\*\* End of channel 31 study \*\*\*\*\*

Study with Fond Du Lac moved to Digital Channel 31

Run begins Thu Apr 16 18:12:20 1998, host providence

Analysis of: 68N WI FOND DU LAC

	POPULATION	AREA (sq km)
within Noise Limited Contour	2485385	27987.4
not affected by terrain losses	2423979	26740.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	39534	20.0
lost to all IX	39534	20.0

Analysis of: 31A WI FOND DU LAC

HAAT 506.0 m, ATV ERP 95.2 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	2485385	27987.4
not affected by terrain losses	2481059	27734.8
lost to NTSC IX	161471	701.7
lost to additional IX by ATV	462581	1652.0
lost to ATV IX only	586360	2077.0
lost to all IX	624052	2353.7
percent match ATV/NTSC	76.1	94.0

Analysis of: 31N WI LA CROSSE

	POPULATION	AREA (sq km)
within Noise Limited Contour	314898	18083.3
not affected by terrain losses	297474	16876.2
lost to NTSC IX	184	12.1
lost to additional IX by ATV	13483	933.5
lost to all IX	13667	945.6

*8,000 persons*

Analysis of: 30A WI LA CROSSE

HAAT 347.0 m, ATV ERP 50.0 kW, direction 135.0 degrees T, F/B = 0.4 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	314898	18083.3
not affected by terrain losses	310968	17644.7
lost to NTSC IX	929	100.6
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	929	100.6
percent match ATV/NTSC	100.0	100.0

*per day*

Analysis of: 32N IL CHICAGO

	POPULATION	AREA (sq km)
within Noise Limited Contour	8354421	24490.7
not affected by terrain losses	8353037	24466.6
lost to NTSC IX	31240	537.6
lost to additional IX by ATV	49981	842.4
lost to all IX	81221	1380.0

Analysis of: 31A IL CHICAGO

HAAT 430.0 m, ATV ERP 218.0 kW, direction 125.0 degrees T, F/B = 18.1 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	8354421	24490.7
not affected by terrain losses	8354351	24486.6
lost to NTSC IX	1314	28.1
lost to additional IX by ATV	45339	754.2
lost to ATV IX only	46163	770.2
lost to all IX	46653	782.3
percent match ATV/NTSC	99.7	98.7

*< 0.2% loss*

Analysis of: 57N WI JANESVILLE

	POPULATION	AREA (sq km)
within Noise Limited Contour	1099544	16990.3
not affected by terrain losses	1081345	16537.6
lost to NTSC IX	12808	292.5

lost to additional IX by ATV	6619	192.3
lost to all IX	19427	484.7

Analysis of: 32A WI JANESVILLE  
 HAAT 342.0 m, ATV ERP 79.3 kW, direction 160.0 degrees T, F/B =  
 10.4 dB

	POPULATION	AREA (sq km)	
within Noise Limited Contour	1099544	16990.3	
not affected by terrain losses	1093009	16773.9	
lost to NTSC IX	31306	813.3	
lost to additional IX by ATV	8161	264.4	
lost to ATV IX only	13529	404.6	
lost to all IX	39467	1077.7	
percent match ATV/NTSC	98.0	95.8	< 0.6% <i>loss</i>

Finished Thu Apr 16 18:53:24; run time 0:40:13  
 159242 calls to Longley-Rice; path distance increment 1.00 km

Fond du Lac as it is presently on Digital Channel 44

Run begins Thu Apr 16 17:38:14 1998, host gilwell

Analysis of: 68N WI FOND DU LAC

	POPULATION	AREA (sq km)
within Noise Limited Contour	2485385	27987.4
not affected by terrain losses	2423979	26740.4
lost to NTSC IX	0	0.0
lost to additional IX by ATV	39534	20.0
lost to all IX	39534	20.0

Analysis of: 44A WI FOND DU LAC

HAAT 506.0 m, ATV ERP 122.7 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	2485385	27987.4
not affected by terrain losses	2479402	27678.7
lost to NTSC IX	493057	1595.8
lost to additional IX by ATV	0	0.0
lost to ATV IX only	1242	40.1
lost to all IX	493057	1595.8
percent match ATV/NTSC	81.4	96.3

Finished Thu Apr 16 17:47:31; run time 0:08:07

29036 calls to Longley-Rice; path distance increment 1.00 km

Digital Study not including Fond Du Lac moved to Digital Channel 31

Run begins Thu Apr 16 16:57:20 1998, host gilwell

Analysis of: 31N WI LA CROSSE

	POPULATION	AREA (sq km)
within Noise Limited Contour	314898	18083.3
not affected by terrain losses	297474	16876.2
lost to NTSC IX	184	12.1
lost to additional IX by ATV	5427	466.8
lost to all IX	5611	478.8

Analysis of: 30A WI LA CROSSE

HAAT 347.0 m, ATV ERP 50.0 kW, direction 135.0 degrees T, F/B = 0.4 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	314898	18083.3
not affected by terrain losses	310968	17644.7
lost to NTSC IX	929	100.6
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	929	100.6
percent match ATV/NTSC	100.0	100.0

Analysis of: 32N IL CHICAGO

	POPULATION	AREA (sq km)
within Noise Limited Contour	8354421	24490.7
not affected by terrain losses	8353037	24466.6
lost to NTSC IX	31240	537.6
lost to additional IX by ATV	49981	842.4
lost to all IX	81221	1380.0

Analysis of: 31A IL CHICAGO

HAAT 430.0 m, ATV ERP 218.0 kW, direction 125.0 degrees T, F/B = 18.1 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	8354421	24490.7
not affected by terrain losses	8354351	24486.6
lost to NTSC IX	1314	28.1
lost to additional IX by ATV	21098	381.1
lost to ATV IX only	21098	381.1
lost to all IX	22412	409.2
percent match ATV/NTSC	99.9	99.6

Analysis of: 57N WI JANESVILLE

	POPULATION	AREA (sq km)
within Noise Limited Contour	1099544	16990.3
not affected by terrain losses	1081345	16537.6
lost to NTSC IX	12808	292.5
lost to additional IX by ATV	6619	192.3
lost to all IX	19427	484.7

Analysis of: 32A WI JANESVILLE

HAAT 342.0 m, ATV ERP 79.3 kW, direction 160.0 degrees T, F/B = 10.4 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	1099544	16990.3
not affected by terrain losses	1093009	16773.9
lost to NTSC IX	31306	813.3
lost to additional IX by ATV	831	24.0
lost to ATV IX only	5717	116.2
lost to all IX	32137	837.3
percent match ATV/NTSC	98.6	96.9

Finished Thu Apr 16 17:30:29; run time 0:30:05

108088 calls to Longley-Rice; path distance increment 1.00 km

Green Bay, WI, Channel 44 moved to Channel 50

Run begins Thu Apr 16 16:48:25 1998, host providence

Analysis of: 50N WI GREEN BAY

	POPULATION	AREA (sq km)
within Noise Limited Contour	650990	16203.5
not affected by terrain losses	650121	16139.3
lost to NTSC IX	12520	44.2
lost to additional IX by ATV	78321	3843.1
lost to all IX	90841	3887.2

Analysis of: 69A WI GREEN BAY

HAAT 339.0 m, ATV ERP 69.9 kW, direction 290.0 degrees T, F/B = 15.0 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	650990	16203.5
not affected by terrain losses	650195	16151.3
lost to NTSC IX	182	12.0
lost to additional IX by ATV	0	0.0
lost to ATV IX only	0	0.0
lost to all IX	182	12.0
percent match ATV/NTSC	100.0	100.0

Analysis of: 7N MI TRAVERSE CITY

	POPULATION	AREA (sq km)
within Noise Limited Contour	410829	34712.7
not affected by terrain losses	381577	33103.5
lost to NTSC IX	52415	2695.4
lost to additional IX by ATV	29004	1745.0
lost to all IX	81419	4440.4

Analysis of: 50A MI TRAVERSE CITY

HAAT 411.0 m, ATV ERP 1000.0 kW, Cap Adj 0.1 dB 270.0 deg T, F/B = 0.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	410829	34712.7
not affected by terrain losses	407038	34393.3
lost to NTSC IX	6138	1309.8
lost to additional IX by ATV	265	8.0
lost to ATV IX only	955	31.9
lost to all IX	6403	1317.7
percent match ATV/NTSC	100.0	96.9

Analysis of: 3N WI MADISON

	POPULATION	AREA (sq km)
within Noise Limited Contour	1361880	31612.4
not affected by terrain losses	1319363	30669.5
lost to NTSC IX	258911	5186.1
lost to additional IX by ATV	86952	850.3
lost to all IX	345863	6036.4

Analysis of: 50A WI MADISON

HAAT 469.0 m, ATV ERP 380.2 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1361880	31612.4
not affected by terrain losses	1352543	31209.4
lost to NTSC IX	38323	697.1
lost to additional IX by ATV	779	40.3
lost to ATV IX only	9931	157.2
lost to all IX	39102	737.4
percent match ATV/NTSC	99.9 <i>Same</i>	99.7

Analysis of: 11N WI GREEN BAY

	POPULATION	AREA (sq km)
within Noise Limited Contour	1009455	33233.4
not affected by terrain losses	1000709	32830.9
lost to NTSC IX	44601	1284.1

< 0.04% change

lost to additional IX by ATV	24155	1159.3
lost to all IX	68756	2443.4

Analysis of: 51A WI GREEN BAY  
 HAAT 384.0 m, ATV ERP 1000.0 kW, Cap Adj 0.1 dB 0.0 deg T, F/B =  
 0.2 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	1009455	33233.4
not affected by terrain losses	1008530	33181.1
lost to NTSC IX	22	4.0
lost to additional IX by ATV	1493	56.4
lost to ATV IX only	1515	60.4
lost to all IX	1515	60.4
percent match ATV/NTSC	100.0	100.0

Finished Thu Apr 16 18:06:51; run time 0:14:17  
 55266 calls to Longley-Rice; path distance increment 1.00 km



Study not including Green Bay, WI, Channel 50

Run begins Thu Apr 16 15:40:33 1998, host gilwell

Analysis of: 7N MI TRAVERSE CITY

	POPULATION	AREA (sq km)
within Noise Limited Contour	410829	34712.7
not affected by terrain losses	381577	33103.5
lost to NTSC IX	52415	2695.4
lost to additional IX by ATV	29004	1745.0
lost to all IX	81419	4440.4

Analysis of: 50A MI TRAVERSE CITY

HAAT 411.0 m, ATV ERP 1000.0 kW, Cap Adj 0.1 dB 270.0 deg T, F/B = 0.3 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	410829	34712.7
not affected by terrain losses	407038	34393.3
lost to NTSC IX	3052	203.7
lost to additional IX by ATV	265	8.0
lost to ATV IX only	955	31.9
lost to all IX	3317	211.6
percent match ATV/NTSC	100.0	100.0

Analysis of: 3N WI MADISON

	POPULATION	AREA (sq km)
within Noise Limited Contour	1361880	31612.4
not affected by terrain losses	1319363	30669.5
lost to NTSC IX	258911	5186.1
lost to additional IX by ATV	86952	850.3
lost to all IX	345863	6036.4

Analysis of: 50A WI MADISON

HAAT 469.0 m, ATV ERP 380.2 kW

	POPULATION	AREA (sq km)
within Noise Limited Contour	1361880	31612.4
not affected by terrain losses	1352543	31209.4
lost to NTSC IX	36735	564.1
lost to additional IX by ATV	854	52.4
lost to ATV IX only	9931	157.2
lost to all IX	37589	616.5
percent match ATV/NTSC	99.9	99.8

Analysis of: 11N WI GREEN BAY

	POPULATION	AREA (sq km)
within Noise Limited Contour	1009455	33233.4
not affected by terrain losses	1000709	32830.9
lost to NTSC IX	44601	1284.1
lost to additional IX by ATV	24155	1159.3
lost to all IX	68756	2443.4

Analysis of: 51A WI GREEN BAY

HAAT 384.0 m, ATV ERP 1000.0 kW, Cap Adj 0.1 dB 0.0 deg T, F/B = 0.2 dB

	POPULATION	AREA (sq km)
within Noise Limited Contour	1009455	33233.4
not affected by terrain losses	1008530	33181.1
lost to NTSC IX	22	4.0
lost to additional IX by ATV	1493	56.4
lost to ATV IX only	1515	60.4
lost to all IX	1515	60.4
percent match ATV/NTSC	100.0	100.0

Finished Thu Apr 16 16:28:25; run time 0:42:48

140051 calls to Longley-Rice; path distance increment 1.00 km

\*\*\*\*\* TV CHANNEL SPACING STUDY \*\*\*\*\*

Job title: Green Bay, WI  
Channel: 50  
Database file name: tv980408.edx

Latitude: 44 30 48  
Longitude: 88 0 24

CH	Call	Record No.	City	ST	Z	STS	Bear.	Dist.	Reqd. Dist.	Result
50o	WPWRTV	3909	GARY	IN	1	L	174.0	294.2	248.6	45.6
42o	ALLOTM	3960	STURGEON BAY	WI	2		53.7	61.4	31.4	30.0
50+	ALLOTM	4137	OSHKOSH	WI	2		218.3	69.5	280.8	-211.3
55o	NEW	4139	WITTENBERG	WI	2	A	301.2	57.8	31.4	26.4

\*\*\*\*\* End of channel 50 study \*\*\*\*\*

Study Title:  
Greenbay, WI Channel 50

Greenbay, WI moved to Channel 50

NTSC Study Station, Transmitter Coordinates: 48-30-48 N 88-0-24 W

Study distance: 300 km

\*\*\*NTSC TO DTV STUDY RESULTS\*\*\*

City of License	ST	Chan	Distance	Bearing	Req. Dist	Diff.
Escanaba	MI	48	276.33	163.16	96.60	179.73

Station is in the clear!

Greenbay, WI

Computing Tools FCC Database Reports Rev 1.4

Digital TV Stations within 300.000 of 044-30-48 088-00-24

Accuracy and completeness of these results is NOT assured.

St City	channel	latitude	longitude	distance, (km),	bearing (degrees)
MI Kalamazoo	2	42-37-56	085-32-16	288.888,	136.34017
IL Chicago	3	41-53-56	087-37-23	292.121,	173.87354
MI Grand Rapids	7	42-41-13	085-30-35	286.050,	135.18433
WI Milwaukee	8	43-05-38	087-54-10	157.932,	176.96560
MI Grad Rapids	11	42-57-35	085-53-45	242.311,	135.42824
WI Madison	11	43-03-21	089-32-06	203.371,	217.22471
WI LA Crosse	14	43-48-23	091-22-04	280.105,	253.71373
WI Eau Claire	15	44-57-39	091-40-05	294.247,	279.72987
IL Rockford	16	42-17-14	089-10-15	264.691,	200.87358
WI Rhinelander	16	45-40-02	089-12-27	159.315,	323.60200
MI Manistee	17	44-03-57	086-19-58	142.559,	110.41408
WI LA Crosse	17	43-48-16	091-22-18	280.468,	253.68944
MI Calumet	18	47-02-12	088-41-42	285.523,	349.19261
IL Chicago	19	41-53-56	087-37-23	292.121,	173.87354
MI Grand Rapids	19	42-41-15	085-31-57	284.712,	135.43826
WI Madison	19	43-03-03	089-29-13	201.505,	216.25441
WI Manitowoc	19	44-07-31	087-37-41	52.646,	144.98954
MI Battle Creek	20	42-34-15	085-28-11	297.690,	136.46630
WI Madison	20	43-03-21	089-32-06	203.371,	217.22471
IL Chicago	21	41-53-56	087-37-23	292.121,	173.87354
WI Suring	21	44-44-00	088-15-25	31.499,	320.90651
MI Iron Mountain	22	45-49-10	088-02-35	145.182,	358.87087
WI Milwaukee	22	43-05-15	087-54-12	158.638,	176.99514
WI Green Bay	23	44-24-35	088-00-05	11.521,	177.91066
MI Muskegon	24	42-57-25	085-54-07	242.188,	135.56179
WI Wausau	24	44-55-14	089-41-31	140.995,	288.72058
WI Milwaukee	25	43-05-15	087-54-13	158.637,	177.00320
WI Madison	26	43-03-21	089-32-06	203.371,	217.22471
IL Chicago	27	41-52-44	087-38-10	294.220,	174.12420
WI Eagle River	28	45-46-30	089-14-55	170.884,	325.13686
WI Milwaukee	28	43-05-29	087-54-07	158.213,	176.94661
IL Chicago	29	41-52-44	087-38-10	294.220,	174.12420
WI Wausau	29	44-55-14	089-41-31	140.995,	288.72058
WI LA Crosse	30	43-48-17	091-22-06	280.203,	253.68015
IL Chicago	31	41-53-56	087-37-23	292.121,	173.87354
MI Traverse City	31	44-44-54	085-04-08	234.582,	83.60849
WI Janesville	32	42-43-40	089-13-54	221.658,	206.49305
MI Marquette	33	46-21-09	087-51-32	204.731,	3.23804
WI Milwaukee	33	43-05-24	087-53-47	158.391,	176.78805
WI Milwaukee	34	43-06-41	087-55-38	155.898,	177.65008
MI Marquette	35	46-20-11	087-50-55	202.990,	3.49373
WI Milwaukee	35	43-05-48	087-54-19	157.613,	177.03276
MI Grand Rapids	39	43-18-34	085-54-44	214.937,	128.48697
WI Eau Claire	39	44-39-51	090-57-41	235.236,	274.08590
MI Cadillac	40	44-08-12	085-20-33	216.601,	101.14146
WI Kenosha	40	42-45-38	087-57-55	194.769,	179.01744
WI Wausau	40	44-55-14	089-41-31	140.995,	288.72058
IL Freeport	41	42-17-48	089-10-15	263.709,	200.95330
WI Green Bay	41	44-21-30	087-58-48	17.354,	172.97251
IL Rockford	42	42-17-26	089-09-51	264.152,	200.79222

WI Green Bay	42	44-24-35 088-00-05	11.521, 177.91066
IL Chicago	43	41-53-56 087-37-23	292.121, 173.87354
WI Mayville	43	43-26-11 088-31-34	126.712, 199.20488
WI Fond Du Lac	44	43-21-44 088-53-45	146.476, 209.17009
IL Chicago	45	41-53-56 087-37-23	292.121, 173.87354
MI Kalamazoo	45	42-33-52 085-27-31	298.830, 136.43369
WI Milwaukee	46	43-06-42 087-55-50	155.856, 177.74813
IL Chicago	47	41-52-44 087-38-10	294.220, 174.12420
MI Cadillac	47	44-08-53 085-20-45	216.079, 100.82690
WI Park Falls	47	45-56-43 090-16-28	238.839, 311.78247
MI Escanaba	48	46-08-04 086-56-52	198.374, 24.74034
WI Racine	48	43-05-15 087-54-01	158.652, 176.90645
WI Chippewa Falls	49	44-57-27 091-40-08	294.258, 279.65634
MI Traverse City	50	44-16-33 085-42-49	184.596, 98.21947
WI Madison	50	43-03-21 089-32-06	203.371, 217.22471
IN Gary	51	41-52-44 087-38-10	294.220, 174.12420
WI Green Bay	51	44-24-31 087-59-29	11.700, 174.03503
IL Chicago	52	41-52-44 087-38-10	294.220, 174.12420
IL Joliet	53	41-53-56 087-37-23	292.121, 173.87354
WI LA Crosse	53	44-05-28 091-20-15	269.910, 259.98993
IL Rockford	54	42-17-50 089-14-24	265.707, 202.08633
MI Mount Pleasant	56	43-34-24 084-46-21	279.470, 111.94565
WI Green Bay	56	44-24-21 088-00-19	11.946, 179.46983
MI Cadillac	58	44-08-22 085-20-28	216.646, 101.05596
IL Aurora	59	41-52-44 087-38-10	294.220, 174.12420
MI Vanderbilt	59	45-10-12 084-45-04	267.548, 74.17198
WI Appleton	59	44-21-30 087-58-48	17.354, 172.97251
WI Milwaukee	61	43-05-48 087-54-19	157.613, 177.03276

End of report.

**CERTIFICATE OF SERVICE**

I, Stuart Mitchell, hereby certify that on this 20th day of April, 1998, copies of the foregoing "Petition for Reconsideration" were hand delivered or mailed first-class, postage pre-paid, to the following:

Roy J. Stewart, Chief\*  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 314  
Washington, DC 20554

Barbara A. Kreisman, Chief\*  
Video Services Division  
Mass Media Bureau  
Federal Communications Commission  
1919 M Street, N.W., Room 702  
Washington, DC 20554

Station WMMF-TV  
Pappas Telecasting Companies  
500 South Chinowth Road  
Visalia, California 93277

A handwritten signature in black ink, appearing to read "Stuart Mitchell", is written over a horizontal line.

\* Hand Delivered